

DOCKET NO. D-2006-15-1

DELAWARE RIVER BASIN COMMISSION

**Clement Pappas & Company, Inc.
Non-contact Cooling Water Discharge
Upper Deerfield Township, Cumberland County, New Jersey**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) by Clement Pappas & Company, Inc. on April 28, 2006 (Application), for review of an existing non-contact cooling water discharge. The project was approved by the New Jersey Department of Environmental Protection (NJDEP) on March 1, 2001, by issuing National Pollutant Discharge Elimination System (NPDES) Permit No. NJ0062731. NPDES Permit No. NJ0062731 expired on February 28, 2006. Clement Pappas and Company submitted NPDES renewal application materials to NJDEP and DRBC on October 12, 2005.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Cumberland County Department of Planning and Development has been notified of pending action. A public hearing on this project was held by the DRBC on September 27, 2006.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to approve an existing 2.0 million gallon per day (mgd) discharge of non-contact cooling water from the Clement Pappas & Co., Inc. (CPC) food processing facility.
2. **Location.** The project discharge is to Foster Run via a municipal storm sewer. Foster Run is a tributary to the Cohansey River. The discharge is located on a tributary to Water Quality Zone 6 at River Mile 38 – 20 – 1.5 -1.0 (Delaware Bay - Cohansey River – Parsonage Creek – Foster Run).

The project outfall is located in the Cohansey River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
DSN002A	39° 29' 39.1"	75° 13' 16.6"

3. Area Served. The docket holder discharges non-contact cooling water that is used onsite at the fruit juice and cranberry sauce manufacturing facility. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISIONS section of this docket.

4. Physical features.

a. Design criteria. The facility utilizes cooling water withdrawn from groundwater Well No. 6B. Cooling water is treated with NaOH for pH adjustment and chlorinated prior to use in one of three cooling lines. Cooling water is used to spray-cool warm bottles of product after the pasteurization process. Non-contact cooling water from the three cooling lines is then collected along with facility drain runoff for discharge from Outfall No. 002A to an onsite wetland/pond, which overflows into a municipal storm sewer and ultimately discharges to Foster Run. No treatment of the non-contact cooling water occurs after the cooling process and prior to discharge.

b. Facilities. All process and sanitary wastewater generated by the facility is discharged from Outfall No. DSN001 to the Cumberland County Utilities Authority WWTP, approved by DRBC Docket No. D-76-19 CP on July 28, 1976. The NJDEP issued its most recent NPDES Permit No. NJ0024651 on May 3, 2004 for this treatment facility.

The project facilities are above the 100-year flood zone.

Emergency power is not available onsite. When a power loss occurs, the entire facility shuts down production.

c. Water withdrawals. The cooling water supply for the facility is described by Docket No. D-95-37-2, approved by the Commission on March 1, 2006. Docket No. D-95-37-2 approved a maximum groundwater withdrawal of 66.93 million gallons per thirty days from Well No. 6B. In addition, the facility has an interconnection with Upper Deerfield Township (Docket D-93-16 CP-2, approved September 26, 2005) to supply up to 15 mg/30 day of water for industrial purposes.

d. NPDES Permit / DRBC Docket. The NPDES Permit No. NJ0062731 approved by NJDEP, effective on March 1, 2001, includes final effluent limitations for the project discharge of 2.0 mgd to surface waters classified by the NJDEP as FW2-NT. The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NJPDES permit No. NJ00062731 for Outfall 002A

OUTFALL 002A (Non-contact Cooling Water Discharge)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required in the NJPDES permit
Total Suspended Solids	50 mg/l daily max (85% minimum removal*)	As required in the NJPDES permit
Temperature	30 ° C (Daily Max)	As required in the NJPDES permit

* DRBC Requirement

Effluent Table A-2 contains effluent limits and monitoring requirements for DRBC parameters not included in NJPDES Permit No. NJ00062731.

EFFLUENT TABLE A-2: DRBC Parameters for Outfall 002A

OUTFALL 002A (Non-contact Cooling Water Discharge)		
PARAMETER	LIMIT	MONITORING
Dissolved Oxygen *	6.0 mg/l (minimum at all times) *	One per Quarter *
Total Dissolved Solids*	1,000 mg/l *	One Per Quarter *

* DRBC Requirement

- e. Cost.** There is no cost associated with this existing discharge project.

B. FINDINGS

This docket approval is in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) by Clement Pappas & Company, Inc. on April 28, 2006, for review of an existing non-contact cooling water discharge. The facility currently does not treat the cooling water prior to discharge. The facility discharges non-contact cooling water from Outfall 002A to an on-site pond/wetland, which overflows into a municipal storm sewer, which discharges to Foster Run. The Commission requires that discharges shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. The NJDEP has required a 30°C (86°F) Daily Maximum temperature limit for the discharge. The docket holder shall submit a proposed monitoring program to demonstrate compliance with this requirement. The monitoring program shall be submitted within 90 days of docket approval, and will commence upon written approval of the Commission.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations* of the DRBC.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2006-15-1 below, the project and appurtenant facilities as described in the Section A of this docket entitled “Physical features” above are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NJDEP in its NPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Commission approval of this docket is contingent on the NJDEP’s approval of the NPDES permit.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Tables A-1 and A-2 in the Section A.4.d. of this docket.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

g. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F (Non-tidal, Non-trout Waters). The docket holder shall submit a monitoring program to demonstrate compliance with this requirement. The monitoring program shall be submitted within 90 days of docket approval, and will commence upon written approval of the Commission.

h. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

i. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

n. The Executive Director may modify or suspend this approval, or require mitigating measures, pending additional review.

o. The docket holder and any other person aggrieved by a reviewable action or decision taken by the Executive Director or Commission pursuant to this docket may seek an administrative hearing pursuant to Articles 5 and 6 of the Commission's *Rules of Practice and Procedure*, and after exhausting all administrative remedies may seek judicial review pursuant to Article 6, section 2.6.10 of the *Rules of Practice and Procedure* and section 15.1(p) of the Commission's *Compact*.

BY THE COMMISSION

DATE APPROVED: September 27, 2006

EXPIRATION DATE: September 27, 2011